

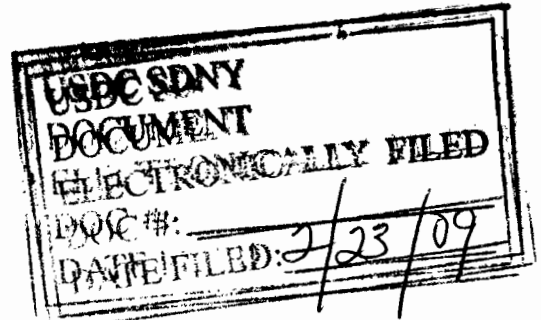
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
IN RE: METHYL TERTIARY BUTYL :  
ETHER ("MTBE") PRODUCTS :  
LIABILITY LITIGATION :  
----- :

This document relates to:

*All Cases*  
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SHIRA A. SCHEINDLIN, U.S.D.J.:



CASE MANAGEMENT  
ORDER # 48

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

This Order memorializes the rulings made during the status conference held on January 15, 2009.

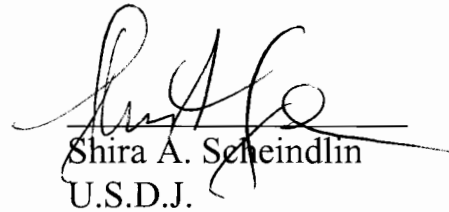
1. In the *City of New York* case, the City will select 200 log entries from Shell's Phase 2 attorney-client privilege logs. These log entries will be submitted to Master Warner by January 23, 2009, who will determine whether they are accurate.
2. In all cases in which either Lyondell or Equistar is a defendant, the parties may submit briefing on (a) whether these defendants, who recently filed suggestions of bankruptcy, are immune to suit in light of the automatic bankruptcy stay and (b) whether the district court has jurisdiction to resolve this issue. On the jurisdictional issue, the parties shall file simultaneous

briefs by January 30, 2009, and responses by February 16, 2009. On the merits issue, the plaintiffs shall submit moving papers by February 6, 2009, the defendants shall respond by February 27, 2009, and the plaintiffs' reply is due by March 6, 2009.

3. In the *City of New York* case, the parties are permitted to brief, on a schedule to be arranged by the parties, whether the consultants to the City's dependability project are within the City's control for discovery purposes.
4. In the *City of New York* case, the City must produce a 30(b)(6) witness for deposition by January 23, 2009. The witness must answer all questions related to his 30(b)(6) capacity even if the questions relate to topics that are inextricably intertwined with the witness's forthcoming expert report. Counsel for the City may not again direct this witness not to answer the question of when he was retained as an expert in this case.
5. In the *City of New York* case, the deadlines for fact discovery are extended by three weeks. This will not affect the trial date.
6. In the *Village of Hempstead* and *West Hempstead Water District* cases, the deadlines for fact discovery are extended by 30 days. The parties will meet and confer to submit a revised, joint pretrial schedule by the date set for the telephone conference referenced below.

7. In the *Orange County Water District* case, the District must identify, by January 23, 2009, which of the remaining plumes have ripe claims associated with them. The Court will schedule a telephone conference to discuss (a) what criteria the District is using to determine whether its claims are ripe and (b) when the District will be able to state the alleged accrual dates for each of its claims.
8. The next status conference is scheduled for February 26, 2009 at 4.30 p.m.

SO ORDERED:

  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
February 23, 2009

**-Appearances-**

**Liaison Counsel for Plaintiffs:**

Robin Greenwald, Esq.  
Robert Gordon, Esq.  
Weitz & Luxenberg, P.C.  
180 Maiden Lane  
New York, New York 10038  
Tel: (212) 558-5500  
Fax: (212) 344-5461

**Liaison Counsel for Defendants:**

Peter John Sacripanti, Esq.  
James A. Pardo, Esq.  
McDermott Will & Emery LLP  
50 Rockefeller Plaza, 11th Floor  
New York, New York 10020  
Tel: (212) 547-5583  
Fax: (212) 547-5444